

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>KEVIN OLIVER and BOB GUTHRIE</b>	§	
<b>Individually and on Behalf of All Others</b>	§	
<b>Similarly Situated,</b>	§	<b>FLSA Collective Action Pursuant to</b>
	§	<b>29 U.S.C. § 216(b)</b>
<b>Plaintiffs,</b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 3:08-cv-828</b>
	§	
<b>AEGIS COMMUNICATIONS GROUP,</b>	§	
<b>INC.</b>	§	
	§	
<b>Defendant.</b>	§	<b>Jury Demanded</b>
	§	

## NOTICE TO POTENTIAL PLAINTIFFS

**TO: All Current and Former Telephone Dedicated Employees or Agents of Aegis Communications Group, Inc. working in Aegis' Irving, Texas; Elkins, West Virginia; Fairmont, West Virginia; Joplin, Missouri; Sierra Vista, Arizona; Port St. Lucie, Florida; or New York, New York call centers from May 15, 2005 to the present.**

RE: Right to Join Lawsuit Seeking Unpaid Overtime from Aegis

DATE: [DATE OF MAILING]

## 1. PURPOSE OF NOTICE

This purpose of this notice is to inform you of your right to join a lawsuit filed against Aegis Communications Group, Inc. ("Aegis") seeking recovery of unpaid overtime wages and other damages. This notice is also intended to advise you of how your rights under the Fair Labor Standards Act ("FLSA") may be affected by this suit and to instruct you on the procedure for participating in this suit, should you decide that it is appropriate to do so.

## 2. DESCRIPTION OF THE LAWSUIT

A lawsuit has been brought by Kevin Oliver and Bob Guthrie (the “Representative Plaintiffs”) against Aegis seeking to recover unpaid overtime wages for hours worked in excess of 40 hours a week. The Lawsuit contends Aegis failed to pay its hourly workers for all of their work day activities and only paid employees according to phone log in time. By way of example, these pre-shift and post-shift activities, required by Aegis, include, but are not limited

to, time spent (1) booting up computers (2) logging into Aegis' computer systems, (3) booting up and logging into various customer programs or interfaces, (4) initializing Aegis' alert system, (5) reviewing alerts, and (6) setting up supervisor customer call backs, and (7) performing other clean up and logging out duties while off the clock. Plaintiffs, and the other individuals who have joined the case thus far, contend they are owed thousands of dollars in unpaid overtime and additional statutory damages.

The Representative Plaintiffs have sued to recover their unpaid overtime wages (plus attorneys' fees and costs) for the hours they performed work for the company in excess of 40 hours per week. The Representative Plaintiffs also seek additional damages equal to their unpaid wages because of Aegis' failure to pay them as required by the federal law governing overtime payments.

The lawsuit is pending in the United States District Court for the Northern District of Texas before Judge Ed Kinkeade. Plaintiffs' counsels in this case are:

J. Derek Braziel ([jdbraziel@l-b-law.com](mailto:jdbraziel@l-b-law.com))

**LEE & BRAZIEL, LLP**

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and

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### 3. COMPOSITION OF THE CLASS

The Representative Plaintiffs have filed suit on their own behalves and on behalf of all similarly situated employees. The Representative Plaintiffs contend that those similarly situated to them are current and former hourly paid telephone dedicated employees or agents employed between May 15, 2005 to present at Aegis' facilities in the following locations: Irving, Texas; Elkins, West Virginia; Fairmont, West Virginia; Joplin, Missouri; Sierra Vista, Arizona; Port St. Lucie, Florida; and New York, New York.

This Notice is only for the purpose of determining the identity of those persons who wish to be involved in this case and has no other purpose.

**You ARE eligible to file a consent and seek to join this lawsuit EVEN IF:**

- **You did not track the time you spent doing pre-shift and post-shift activities.**
- **You do not have any records of the amount of off-the-clock work.**
- **You were told you would not be paid for pre-shift and post-shift work activities.**

#### **4. HOW TO PARTICIPATE IN THIS SUIT**

Enclosed you will find a form entitled "Consent to Join Overtime Lawsuit Against Aegis" ("Consent Form"). If you choose to join this lawsuit, and thus participate in any recovery that may result from this lawsuit, **it is extremely important that you read, sign and return the Consent Form by [ADD DATE]**. An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent Form should be sent to:

Overtime Lawsuit Against Aegis  
1801 N. Lamar St.  
Suite 325  
Dallas, Texas 75202  
Facsimile: 214-749-1010

**The signed Consent Form must be postmarked by  
[90 DAYS AFTER DATE OF MAILING].**

**If your signed Consent Form is not postmarked by [THE ABOVE DATE], you will not participate in any recovery obtained against Aegis in this lawsuit.** If you have any questions about filling out or sending the Consent Form, please contact Plaintiffs' counsel listed above. If you lose the enclosed form, one may also be obtained by contacting Lee & Braziel (contact information above) or at [www.callcenterovertime.com](http://www.callcenterovertime.com).

#### **5. EFFECT OF JOINING THIS LAWSUIT**

If you choose to join this lawsuit, you will be bound by the judgment of the Court. You will also be bound by, and will share in, any settlement that may be reached on behalf of the class. If you would like additional information to be able to decide whether or not to join the case, you can contact J. Derek Braziel at 214-749-1400 or visit the website established for this case at [www.callcenterovertime.com](http://www.callcenterovertime.com).

By joining this lawsuit, you designate the Representative Plaintiffs as your agents to make decisions on your behalf concerning the litigation and your rights under the FLSA, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel(s) concerning fees and costs, and all other matters pertaining to this lawsuit and your rights under the FLSA. The decisions and agreements made and entered into by the Representative Plaintiffs will be binding on you if you join this lawsuit.

The Representative Plaintiffs in this matter have entered into a contingency fee agreement with Plaintiffs' counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. If there is a recovery, Plaintiffs' counsel will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. You may request a copy of the contingency fee agreement in this matter from Plaintiffs' counsel at the address, telephone number, facsimile number, or e-mail address above.

#### **6. NO RETALIATION PERMITTED**

It is a violation of federal law for Aegis to discharge, or in any manner discriminate or retaliate against you for taking part in this case. If you believe that you have been penalized, discriminated against or disciplined in any way as a result of your receiving this notification, considering whether to joint this lawsuit, or actually joining this lawsuit, you should contact Plaintiffs' counsel immediately.

#### **7. EFFECT OF NOT JOINING THIS LAWSUIT**

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case. You will not be entitled to share any amounts recovered by the class. You will be free to file your own lawsuit, subject to any defenses that might be asserted. The pendency of this suit will not extend the amount of time you have to file any claims against Aegis; you must either file a separate action against Aegis or join this one.

#### **8. FURTHER INFORMATION**

If you have questions about the suit or your rights, you should contact Plaintiffs' counsel at 214-749-1400. You will have the opportunity to discuss in detail the nature of this case, including the terms by which they may represent you. If you would like additional information about these firms or your right to overtime in this case, more information is available from the attorneys' websites at [www.callcenterovertime.com](http://www.callcenterovertime.com), [www.overtimelawyer.com](http://www.overtimelawyer.com), [www.texasatty.com](http://www.texasatty.com), or [www.winscar.com](http://www.winscar.com).

**This Notice has been authorized by the Honorable Ed Kinkeade, the Judge to whom this case has been assigned.**